REMARKS

In the foregoing amendment, claim 1 is amended. Now pending in the application are claims 1, 3-4, 6 and 7-15, of which claims 3-4 and 7-15 have been withdrawn from further consideration. Claim 1 is independent and claim 6 depends from claim 1.

Claim Amendments

Claim 1 is amended to recite that the separator is substantially flat. Support for the claim amendment can be found in Figures 4, 5 and 11 and corresponding descriptions in the specification of the pending application. No new matter is added.

Claim Rejections under 35 U.S.C. §102/103

Claims 1 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by, or under 35 U.S.C. §103(a) as being unpatentable over, Japanese Publication No. 2002-208153 ("JP 2002-208153"). Applicants respectfully traverse the rejection.

Claim 1 is directed to a separator assembly for a fuel cell stack. The separator assembly includes a diffusion layer including a porous metal body for supplying one of fuel and oxidizer to an electrode of the fuel cell stack. The separator assembly also includes a separator including a metal plate disposed adjacent to the diffusion layer. The separator is substantially flat and welded with the diffusion layer. Flow passage partitions are formed in the diffusion layer so as to define a flow passage for the fuel or oxidizer in the diffusion layer. Claim 6 depends from claim 1 and adds separate and patentable limitations to claim 1.

Applicants submit that JP 2002-208153 does not disclose or teach that *the separator is substantially flat*, and *the separator and the diffusion layer are welded together*, as recited in claim 1. JP 2000-208153 relates to a solid polymer electrolyte fuel cell. JP 2000-208153 discloses in Fig. 1 that the separator (1) is press molded into corrugated form. JP 2000-208153 also discloses that the protruding parts of the corrugated separator (1) are bonded to the gas diffusion layer (2) by resistance welding. JP 2000-208153, however, does not disclose or teach that the separator is substantially flat, as recited in claim 1. JP 2000-208153 discloses a corrugated separator (1).

Additionally, Applicants submit that JP 2002-208153 does not disclose or teach that *flow passage partitions are formed in the diffusion layer so as to define a flow passage for the fuel or oxidizer in the diffusion layer*, as recited in claim 1. Although JP 2000-208153 discloses that the corrugated separator forms a gas passage, the gas passage is not formed in the diffusion layer so as to define a flow passage for the fuel or oxidizer in the diffusion layer, as recited in claim 1.

Additionally, Applicants submit that JP 2000-208153 does not disclose that *a cooling layer and a separator are welded together*, as recited in dependent claim 6. JP 2000-208153 discloses that adjacent separators form a coolant passage. JP 2000-208153, however, does not disclose that a cooling layer and a separator, which is substantially flat, are welded together, as recited in claim 6.

In light of the foregoing claim amendments and arguments, Applicants respectfully request that JP 2000-208153 does not disclose or teach each and every element of claims 1 and 6. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claims 1 and 6 under 35 U.S.C. §102(b) or §103(a), and pass the claims to allowance.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By _____
Anthony A. Laurentano
Registration No.: 38,220
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant